

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Group Art Unit: 2828  
Koichiro TANAKA ) Examiner: A. Rodriguez  
Serial No. 09/481,396 )  
Filed: January 12, 2000 )  
For: LASER IRRADIATION APPARATUS )

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MAY 20 2005

**OFFICE OF PETITIONS**

**PETITION TO WITHDRAW FROM ISSUE**

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions that the subject application be withdrawn from issue to permit consideration of an Information Disclosure Statement under 37 CFR 1.97 (submitted herewith) and a Request for Continued Examination (RCE) (also submitted herewith).

Also submitted herewith is the requisite fee of \$130.00 set forth in 37 CFR 1.17(i).

In view of the foregoing, it is urged that this petition is in order and, accordingly, a prompt grant thereof is requested.


The Commissioner is hereby authorized to charge any fees which may be further required in this application, except the issue fee, or credit any overpayment to Deposit Account No. 50-2280, under the above order number. A duplicate of this sheet is attached.

Respectfully submitted,

05/27/2005 AKELLEY 00000001 09481396

01 FC:1464

130.00 OP

  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789

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(571) 434-6789

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|   |                      |                        |           |
|---|----------------------|------------------------|-----------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/481,396             |           |
|   | Filing Date          | January 12, 2000       |           |
|   | First Named Inventor | Koichiro TANAKA        |           |
|   | Group Art Unit       | 2828                   |           |
|   | Examiner Name        | A. Rodriguez           |           |
| Total Number of Pages in This Submission  |                      | Attorney Docket Number | 0756-2092 |

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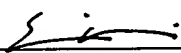
MAY 20 2005

OFFICE OF PETITIONS

**ENCLOSURES (check all that apply)**

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition To Withdraw From Issue<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosures<br>1. RCE<br>2.<br>3.<br>4.<br>5.<br>6. |
| Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.   |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |  |
|-------------------------|--|
| Firm or Individual name | Eric J. Robinson, Reg. No. 38,285<br>Robinson Intellectual Property Law Office, P.C.<br>PMB 955<br>21010 Southbank Street<br>Potomac Falls, VA 20165 |
| Signature               |   |
| Date                    | May 19, 2005   |

**CERTIFICATE OF MAILING**

|   |  |      |  |
|---|--|------|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. |  |      |  |
| Type or printed name  |  |      |  |
| Signature   |  | Date |  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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**FEE TRANSMITTAL  
FOR FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$ 920.00)

Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/481,396       |
| Filing Date          | January 12, 2000 |
| First Named Inventor | Koichiro TANAKA  |
| Examiner Name        | A. Rodriguez     |
| Group Art Unit       | 2828             |
| Attorney Docket No.  | 0756-2092        |

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MAY 20 2005

**OFFICE OF PETITIONS****METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-2280

Deposit  
Account  
NameRobinson Intellectual Property  
Law Office

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17 and
- 
- credit overpayments

☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee Code | Small Entity<br>Fee Code | Fee Description    | Fee Paid |
|--------------------------|--------------------------|--------------------|----------|
| 1001 300                 | 2001 150                 | Utility filing fee |          |
| 1111 500                 | 2111 250                 | Search fee         |          |
| 1311 200                 | 2311 275                 | Examination fee    |          |

Over 100 Sheets/250 for each additional 50

**SUBTOTAL (1)** (\$ )**2. EXTRA CLAIM FEES**

| Total Claims              | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| -20** =                   | X            | \$50           |          |
| Independent Claims -3** = | X            | \$200          |          |
| Multiple Dependent        |              |                |          |

| Large Entity<br>Fee Code | Small Entity<br>Fee Code | Fee Description  | Fee Paid |
|--------------------------|--------------------------|--|----------|
| 1202 50                  | 2202 25                  | Claims in excess of 20                                     |          |
| 1201 200                 | 2201 100                 | Independent claims in excess of 3                          |          |
| 1203 360                 | 2203 180                 | Multiple dependent claim, if not paid                      |          |
| 1204 200                 | 2204 100                 | ** Reissue independent claims over original patent         |          |
| 1205 50                  | 2205 25                  | ** Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)** (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Fee Code    | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051 130    | 2051 65               |                       |                       | Surcharge - late filing fee or oath  |          |
| 1052 50     | 2052 25               |                       |                       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130    | 1053 130              |                       |                       | Non-English specification  |          |
| 1812 2,520  | 1812 2,520            |                       |                       | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*   | 1804 920*             |                       |                       | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840* | 1805 1,840*           |                       |                       | Requesting publication of SIR after Examiner action                        |          |
| 1251 120    | 2251 60               |                       |                       | Extension for reply within first month                                     |          |
| 1252 450    | 2252 225              |                       |                       | Extension for reply within second month                                    |          |
| 1253 1020   | 2253 510              |                       |                       | Extension for reply within third month                                     |          |
| 1254 1,590  | 2254 795              |                       |                       | Extension for reply within fourth month                                    |          |
| 1255 2,160  | 2255 1080             |                       |                       | Extension for reply within fifth month                                     |          |
| 1401 500    | 2401 250              |                       |                       | Notice of Appeal   |          |
| 1402 500    | 2402 250              |                       |                       | Filing a brief in support of an appeal                                     |          |
| 1403 1000   | 2403 500              |                       |                       | Request for oral hearing   |          |
| 1451 1,510  | 1451 1,510            |                       |                       | Petition to institute a public use proceeding                              |          |
| 1452 500    | 2452 250-             |                       |                       | Petition to revive - unavoidable   |          |
| 1453 1,500  | 2453 750              |                       |                       | Petition to revive - unintentional   |          |
| 1501 1,400  | 2501 700              |                       |                       | Utility issue fee (or reissue)   |          |
| 1502 800    | 2502 400              |                       |                       | Design issue fee   |          |
| 1503 1100   | 2503 550              |                       |                       | Plant issue fee  |          |
| 1462 400    | 1462 400              |                       |                       | Petitions, Group I   | \$130.00 |
| 1463 200    | 1463 200              |                       |                       | Petitions, Group II  |          |
| 1464 130    | 1464 130              |                       |                       | Petitions, Group III   |          |
| 1807 50     | 1807 50               |                       |                       | Processing fee under 37 CR 1.17(q)   |          |
| 1806 180    | 1806 180              |                       |                       | Submission of Information Disclosure Stmt                                  |          |
| 8021 40     | 8021 40               |                       |                       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790    | 2809 395              |                       |                       | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810 790    | 2810 395              |                       |                       | For each additional invention to be examined (37 CFR § 1.29(b))            |          |
| 1801 790    | 2801 395              |                       |                       | Request for Continued Examination (RCE)                                    | \$790.00 |
| 1802 900    | 1802 900              |                       |                       | Request for expedited examination of a design application                  |          |

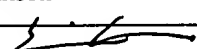
Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 920.00)**CERTIFICATE OF MAILING**

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**SUBMITTED BY**

|                   |   |                  |        |           |                |
|-------------------|---|------------------|--------|-----------|----------------|
| Name (Print/Type) | Eric J. Robinson  | Registration No. | 38,285 | Telephone | (571) 434-6789 |
| Signature         |  | (Attorney/Agent) |        | Date      | May 19, 2005   |

Complete (if applicable)

U.S. SERIAL NO. 09/481,396  
FILED JANUARY 12, 2000  
LASER IRRADIATION APPARATUS  
KOICHIRO TANAKA  
DOCKET NO.: 0756-2092

**SPECIAL PROCEDURES  
SUBMISSION**

**PETITION TO WITHDRAW FROM  
ISSUE**

**DELIVER TO:**

**Office of Petitions  
U.S.P.T.O.**

**PLEASE FAX COPY OF DECISION ON PETITION  
TO 571-434-9499**

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/481,396       |
| Filing Date            | January 12, 2000 |
| First Named Inventor   | Koichiro TANAKA  |
| Group Art Unit         | 2828             |
| Examiner Name          | A. Rodriguez     |
| Attorney Docket Number | 0756-2092        |

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OFFICE OF PETITIONS

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Declaration and Power of Attorney☐ Licensing-related Papers☒ Petition To Withdraw From Issue☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosures

1. RCE

2.

3.

4.

5.

6.

Remarks

☒ The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual nameEric J. Robinson, Reg. No. 38,285  
Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, VA 20165

Signature



Date

May 19, 2005

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Type or printed name

Signature

Date

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**FEE TRANSMITTAL  
FOR FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ ) 920.00

**Complete if Known**

Application Number 09/481,396

Filing Date January 12, 2000

First Named Inventor Koichiro TANAKA

Examiner Name A. Rodriguez

Group Art Unit 2828

Attorney Docket No. 0756-2092

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**METHOD OF PAYMENT**

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Number

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Account  
NameRobinson Intellectual Property  
Law Office

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17 and
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☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
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- Payment Enclosed:

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Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee Code                   | Small Entity<br>Fee Code | Fee (\$) | Fee (\$) | Fee Description    | Fee Paid |
|--|--------------------------|----------|----------|--------------------|----------|
| 1001                                       | 2001                     | 300      | 150      | Utility filing fee |          |
| 1111                                       | 2111                     | 500      | 250      | Search fee         |          |
| 1311                                       | 2311                     | 200      | 275      | Examination fee    |          |
| Over 100 Sheets/250 for each additional 50 |                          |          |          |                    |          |

SUBTOTAL (1) (\$ )

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| -20** =            | X            | \$50           | =        |
| Independent Claims | -3** =       | X              | \$200 =  |
| Multiple Dependent |              |                | =        |

| Large Entity<br>Fee Code | Small Entity<br>Fee Code | Fee (\$) | Fee (\$) | Fee Description  | Fee Paid |
|--------------------------|--------------------------|----------|----------|--|----------|
| 1202                     | 2202                     | 50       | 25       | Claims in excess of 20                                     |          |
| 1201                     | 2201                     | 200      | 100      | Independent claims in excess of 3                          |          |
| 1203                     | 2203                     | 360      | 180      | Multiple dependent claim, if not paid                      |          |
| 1204                     | 2204                     | 200      | 100      | ** Reissue independent claims over original patent         |          |
| 1205                     | 2205                     | 50       | 25       | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Fee Code | Large Entity<br>Fee (\$) | Small Entity<br>Fee (\$) | Fee Description   | Fee Paid |
|----------|--------------------------|--------------------------|---|----------|
| 1051     | 130                      | 2051                     | 65 Surcharge - late filing fee or oath  |          |
| 1052     | 50                       | 2052                     | 25 Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130                      | 1053                     | 130 Non-English specification   |          |
| 1812     | 2,520                    | 1812                     | 2,520 For filing a request for <i>ex parte</i> reexamination                  |          |
| 1804     | 920*                     | 1804                     | 920* Requesting publication of SIR prior to Examiner action                   |          |
| 1805     | 1,840*                   | 1805                     | 1,840* Requesting publication of SIR after Examiner action                    |          |
| 1251     | 120                      | 2251                     | 60 Extension for reply within first month                                     |          |
| 1252     | 450                      | 2252                     | 225 Extension for reply within second month                                   |          |
| 1253     | 1020                     | 2253                     | 510 Extension for reply within third month                                    |          |
| 1254     | 1,590                    | 2254                     | 795 Extension for reply within fourth month                                   |          |
| 1255     | 2,160                    | 2255                     | 1080 Extension for reply within fifth month                                   |          |
| 1401     | 500                      | 2401                     | 250 Notice of Appeal  |          |
| 1402     | 500                      | 2402                     | 250 Filing a brief in support of an appeal                                    |          |
| 1403     | 1000                     | 2403                     | 500 Request for oral hearing  |          |
| 1451     | 1,510                    | 1451                     | 1,510 Petition to institute a public use proceeding                           |          |
| 1452     | 500                      | 2452                     | 250- Petition to revive - unavoidable   |          |
| 1453     | 1,500                    | 2453                     | 750 Petition to revive - unintentional  |          |
| 1501     | 1,400                    | 2501                     | 700 Utility issue fee (or reissue)  |          |
| 1502     | 800                      | 2502                     | 400 Design issue fee  |          |
| 1503     | 1100                     | 2503                     | 550 Plant issue fee   |          |
| 1462     | 400                      | 1462                     | 400 Petitions, Group I  | \$130.00 |
| 1463     | 200                      | 1463                     | 200 Petition, Group II  |          |
| 1464     | 130                      | 1464                     | 130 Petitions, Group III  |          |
| 1807     | 50                       | 1807                     | 50 Processing fee under 37 CR 1.17(q)   |          |
| 1806     | 180                      | 1806                     | 180 Submission of Information Disclosure Stmt                                 |          |
| 8021     | 40                       | 8021                     | 40 Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790                      | 2809                     | 395 Filing a submission after final rejection (37 CFR § 1.129(a))             |          |
| 1810     | 790                      | 2810                     | 395 For each additional invention to be examined (37 CFR § 1.29(b))           |          |
| 1801     | 790                      | 2801                     | 395 Request for Continued Examination (RCE)                                   | \$790.00 |
| 1802     | 900                      | 1802                     | 900 Request for expedited examination of a design application                 |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ ) 920.00

**CERTIFICATE OF MAILING**

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**SUBMITTED BY**

Name (Print/Type)

Eric J. Robinson

Signature

Registration No.  
(Attorney/Agent)

38,285

**Complete (if applicable)**

Telephone

(571) 434-6789

Date

May 19, 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                        |                  |
|--|------------------------|------------------|
| <b>REQUEST<br/>FOR<br/>CONTINUED EXAMINATION (RCE)<br/>TRANSMITTAL</b><br><br>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,<br>provides for continued examination of an utility or plant application<br>filed on or after June 8, 1995.<br>See The American Inventors Protection Act of 1999 (AIPA). | Application Number     | 09/481,396       |
|  | Filing Date            | January 12, 2000 |
|  | First Named Inventor   | Koichiro TANAKA  |
|  | Group Art Unit         | 2828             |
|  | Examiner Name          | A. Rodriguez     |
|  | Attorney Docket Number | 0756-2092        |

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MAY 20 2005

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**OFFICE OF PETITIONS**1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other: \_\_\_\_\_

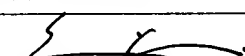
2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☒ Other Petition To Withdraw From Issue \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$920.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |   |                                   |              |
|-------------------|---|-----------------------------------|--------------|
| Name (Print/Type) | Eric J. Robinson  | Registration No. (Attorney/Agent) | 38,285       |
| Signature         |  | Date                              | May 19, 2005 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

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